IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11419 of 2005

Between:

P.Ashok, S/o.Sitharamaiah,
R/o.Jagdish Electricals, Main Road, Huzurnagar, Nalgonda District.

..... PETITIONER

AND

1 The District Collector, Nalgonda Distraict at Nalgonda.
2 The Joint Collector, Nalgonda- Cum-Committee Constituted-
for the sale of Assets of Nalgonda District Cooperative Marketing Society

Ltd. Nalgonda
3 Nalgonda District Cooperative Marketing Society Ltd., Nalgonda, Rep by its

Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more in the nature of writ of mandamus, declaring the action of the respondents in selling away the properties belonging to the 3rd respondent by private negotiations to a far below the price to the existing leaseholders without conducting public auction and thereby causing monetary loss to the public exchequer as being illegal, arbitrary, Violative of Articles 14, and 19 of the Constitution of India, and consequently set aside the sales already made with further direction to the respondents to conduct public auction for the sale of the properties belonging to the 3rd respondent situate in Huzurnagar Town, and pass such other order or orders.

Counsel for the Petitioner: MR.V.BRAHMAIAH CHOWDARY

Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage made the following ORDER:

Action of the respondents in selling away the properties belonging to the third respondent through private negotiations to the existing leaseholders is under challenge.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation appearing for the respondents.

In the present case, selling of the properties should be by way of conducting open auction and the respondents cannot sell the properties in question by way of private negotiations. Therefore, without entering into the merits of the case, a direction can be given to the respondents to sell the properties by way of public auction.

Accordingly, the writ petition is disposed of directing the respondents to sell away the properties in question, if they choose to do so, through public auction. No costs.

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(K.C.BHANU,J)

24th May, 2005

Note: Furnish CC by tomorrow.

B/o

kvni/vgb

To

1 The District Collector, Nalgonda District at Nalgonda.
2 The Joint Collector, Nalgonda- Cum-Committee Constituted-
for the sale of Assets of Nalgonda District Cooperative Marketing Society

Ltd. Nalgonda
3 The Secretary, Nalgonda District Cooperative Marketing Society Ltd.,

Nalgonda.

4 2CCs to the Government Pleader for Cooperation, High Court Buildings,

Hyderabad (OUT).

5 2CD copies.